

**Effective 5/13/2014**

**17B-1-213 Protest after adoption of resolution -- Adoption of resolution approving creation for certain districts.**

- (1) For purposes of this section, "adequate protests" means protests that are:
  - (a) filed with the county clerk, municipal clerk or recorder, or local district secretary or clerk, as the case may be, within 60 days after the last public hearing required under Section 17B-1-210; and
  - (b) signed by:
    - (i) the owners of private real property that:
      - (A) is located within the proposed local district;
      - (B) covers at least 25% of the total private land area within the applicable area; and
      - (C) is equal in value to at least 15% of the value of all private real property within the applicable area; or
    - (ii) registered voters residing within the applicable area equal in number to at least 25% of the number of votes cast in the applicable area for the office of president of the United States at the most recent election prior to the adoption of the resolution.
- (2) An owner may withdraw a protest at any time before the expiration of the 60-day period described in Subsection (1)(a).
- (3) If adequate protests are filed, the governing body that adopted a resolution under Subsection 17B-1-203(1)(d) or (e):
  - (a) may not:
    - (i) hold or participate in an election under Subsection 17B-1-214(1) with respect to the applicable area;
    - (ii) take any further action under the protested resolution to create a local district or include the applicable area in a local district; or
    - (iii) for a period of two years, adopt a resolution under Subsection 17B-1-203(1)(d) or (e) proposing the creation of a local district including substantially the same area as the applicable area and providing the same service as the proposed local district in the protested resolution; and
  - (b) shall, within five days after receiving adequate protests, mail or deliver written notification of the adequate protests to the responsible body.
- (4) Subsection (3)(a) may not be construed to prevent an election from being held for a proposed local district whose boundaries do not include an applicable area that is the subject of adequate protests.
- (5)
  - (a) If adequate protests are not filed with respect to a resolution proposing the creation of a local district for which an election is not required under Subsection 17B-1-214(3)(d), (e), (f), or (g), a resolution approving the creation of the local district may be adopted by:
    - (i)
      - (A) the legislative body of a county whose unincorporated area is included within the proposed local district; and
      - (B) the legislative body of a municipality whose area is included within the proposed local district; or
    - (ii) the board of trustees of the initiating local district.
  - (b) Each resolution adopted under Subsection (5)(a) shall:
    - (i) describe the area included in the local district;
    - (ii) be accompanied by a map that shows the boundaries of the local district;
    - (iii) describe the service to be provided by the local district;

- (iv) state the name of the local district; and
- (v) provide a process for the appointment of the members of the initial board of trustees.

Amended by Chapter 405, 2014 General Session